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Date: January 10, 2003
To: **Thomas J. Braham**
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From: **Robert Brouillette**

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- Response to the Office Action dated December 12, 2002
- Definition from the Websters' Dictionary

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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Francois Delaney
FOR : System for lifting and moving an object
SERIAL NO. : 10/073,286
FILED : February 13, 2002
EXAMINER : Thomas J. Brahan
ART UNIT : 3652
ATTORNEY DOCKET NO. : 06749-001-US-02

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GROUP 3600

Montreal, Quebec, Canada
January 10, 2003

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

The present is further to the Office Action dated December 12, 2002.

ELECTION

Applicant hereby elects, without prejudice and without traverse, Invention I (Crane). However, applicant retains the right to subsequently file a divisional application with respect to the other Inventions. Applicant believes that claims 9 to 36 apply to Invention I rather than claims 9-35 as suggested by the examiner.

With respect to the examiner's identification of three species in respect of Invention I, the applicant believes that at least one generic claim will be finally held to be allowable and that a species' election will not be required.

If a species' election is required, the applicant believes that species I (air pressure displacement means) is included in species II (fluid displacement means). Indeed, "fluid" is defined in the

Websters Third New International Dictionary (see the enclosed copy of a portion of page 877) as «a substance that alters its shape in response to any force however small, that tends to flow or to conform to the outline of its container, and that includes gases and liquids and in strictly technical use certain plastics, solids and mixtures of solids and liquids capable of flow”.

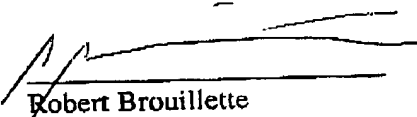
Therefor, applicant elects, without prejudice and without traverse, species II provided it includes species I and further provided no generic claim is found to be allowable.

The applicants believes that claims 13 - 23 are readable on the elected species as well evidently as the generic claims 9-12 and 34-36. However, applicant retains the right to subsequently file a divisional application with respect to the other species.

The examiner is invited to telephone the undersigned, applicants attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

FRANCOIS DELANEY



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